

**8850.7675 RESOLUTION OF CONFLICTS OF MEDICAL EVALUATION.**

Subpart 1. **Applications.** Applications for determination of a driver's medical qualifications under standards in this part must conform to the requirements of this subpart.

A. The application must contain the name and address of the driver, motor carrier, and the physicians involved in the proceeding.

B. The applicant shall submit proof that there is a disagreement between the physician for the driver and the physician for the motor carrier concerning the driver's qualifications.

C. The applicant shall submit a copy of an opinion and report, including the results of tests, of an impartial medical specialist in the field in which the medical conflict arose. The specialist must be one agreed to by the motor carrier and the driver.

D. If the driver refuses to agree on a specialist and the applicant is the motor carrier, the applicant shall submit a statement of agreement to submit the matter to an impartial medical specialist in the field, proof that the applicant has asked the driver to submit to the medical specialist, and the response, if any, of the driver to the request.

E. If the motor carrier refuses to agree on a medical specialist, the driver shall submit an opinion and test results of an impartial medical specialist, proof that the driver has asked the motor carrier to agree to submit the matter to the medical specialist, and the response, if any, of the motor carrier to the request.

F. The applicant shall include a statement explaining in detail why the decision of the medical specialist identified in item C is unacceptable.

G. The applicant shall submit proof that the medical specialist mentioned in item C was provided, before the specialist's determination, the medical history of the driver and an agreed upon statement of the work the driver performs.

H. The applicant shall submit the medical history and statement of work provided to the medical specialist under item G.

I. The applicant shall submit the medical records and statements of the physicians who have given opinions on the driver's qualifications.

J. The applicant shall submit a description and a copy of the written and documentary evidence upon which the party making the application relies.

K. The application must be accompanied by the driver's statement of intent to drive in intrastate commerce or a statement that the carrier has used or intends to use the driver for such work.

L. The applicant shall submit three copies of the application and records.

Subp. 2. **Information.** The commissioner may request further information from the applicant if the commissioner determines that a decision cannot be made on the evidence submitted.

Subp. 3. **Parties.** For the purposes of this part, a party includes the motor carrier and the driver, or anyone else submitting an application.

Subp. 4. **Action.** The commissioner shall make a determination after a hearing has been held under Minnesota Statutes, chapter 14. The decision of the commissioner may be appealed in the manner provided in chapter 14.

**Statutory Authority:** *MS s 221.031; 221.141*

**History:** *13 SR 38*

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